

104TH CONGRESS
1ST SESSION

S. 871

To provide for the management and disposition of the Hanford Reservation, to provide for environmental management activities at the Reservation, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 26 (legislative day, MAY 15), 1995

Mr. JOHNSTON (for himself and Mr. MURKOWSKI) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To provide for the management and disposition of the Hanford Reservation, to provide for environmental management activities at the Reservation, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Hanford Land Man-
5 agement Act”.

6 **SEC. 2. DEFINITIONS.**

7 For purposes of this Act:

1 (1) The term “affected communities and Indian
2 tribes” means—

3 (A) the counties of Benton, Franklin, and
4 Grant, Washington;

5 (B) the cities of Richland, Pasco, and
6 Kennewick, Washington; and

7 (C) the Yakima Tribe, the Confederated
8 Tribes of the Umatilla, and the Nez Perce
9 Tribe.

10 (2) The term “corrective action” means such
11 actions as may be necessary to protect human
12 health, safety, and the environment from releases of
13 hazardous waste or constituents from any solid
14 waste management facility at the Hanford Reserva-
15 tion.

16 (3) The term “Department” means the Depart-
17 ment of Energy.

18 (4) The term “environmental management ac-
19 tivities” means—

20 (A) corrective actions;

21 (B) removal or remedial actions; and

22 (C) the treatment, storage, or disposal of
23 hazardous substances or radioactive materials.

24 (5) The term “Hanford Reservation” means the
25 site located in southeastern Washington owned by

1 the United States and reserved for the use of the
2 Department of Energy.

3 (6) The term “hazardous substance” has the
4 meaning given the term in section 101(14) of the
5 Comprehensive Environmental Response, Compensa-
6 tion, and Liability Act of 1980 (42 U.S.C.
7 9601(14)).

8 (7) The term “remove” or “removal” has the
9 meaning given the term in section 101(23) of the
10 Comprehensive Environmental Response, Compensa-
11 tion, and Liability Act of 1980 (42 U.S.C.
12 9601(23)).

13 (8) The term “remedy” or “remedial action”
14 has the meaning given the term in section 101(24)
15 of the Comprehensive Environmental Response,
16 Compensation, and Liability Act of 1980 (42 U.S.C.
17 9601(24)).

18 (9) The term “radioactive material” means—

19 (A) byproduct material as defined in sec-
20 tion 11e. of the Atomic Energy Act of 1954 (42
21 U.S.C. 2014(e));

22 (B) source material as defined in section
23 11z. of the Atomic Energy Act of 1954 (42
24 U.S.C. 2014(z));

1 (C) special nuclear material as defined in
2 section 11aa. of the Atomic Energy Act of 1954
3 (42 U.S.C. 2014(aa));

4 (D) high-level radioactive waste as defined
5 in section 2(12) of the Nuclear Waste Policy
6 Act of 1982 (42 U.S.C. 10101 (12));

7 (E) low-level radioactive waste as defined
8 in section 2(16) of the Nuclear Waste Policy
9 Act of 1982 (42 U.S.C. 10101(16));

10 (F) spent nuclear fuel as defined in section
11 2(23) of the Nuclear Waste Policy Act of 1982
12 (42 U.S.C. 10101(23));

13 (G) mixed waste as defined in section
14 1004(41) of the Solid Waste Disposal Act (42
15 U.S.C. 6903(41)); and

16 (H) transuranic waste as defined in section
17 2(20) of the Waste Isolation Pilot Plant Land
18 Withdrawal Act (Public Law 102–579).

19 (10) The term “Secretary” means the Secretary
20 of Energy.

21 (11) The term “substitution risk” means an in-
22 creased risk to human health, safety, or the environ-
23 ment likely to result from a regulatory or nonregula-
24 tory option designed to decrease other risks.

1 (12) The terms “treatment, storage, and dis-
2 posal” have the meanings given such terms in sec-
3 tion 1004 (34), (33), and (3), respectively, of the
4 Solid Waste Disposal Act (42 U.S.C. 6903 (34),
5 (33), and (3)).

6 **SEC. 3. ENVIRONMENTAL MANAGEMENT PLAN.**

7 (a) POLICY.—The Secretary shall manage federal
8 lands, manage hazardous substances and radioactive ma-
9 terials at the Reservation, perform corrective actions, and
10 remove or remedy, as necessary, hazardous or radioactive
11 contamination of land, structures, surface water, or
12 ground water within the Hanford Reservation in accord-
13 ance with this Act and the environmental management
14 plan prepared in accordance with this Act.

15 (b) ISSUANCE OF PLAN.—Not later than two years
16 after the date of enactment of this Act, the Secretary shall
17 submit to Congress an environmental management plan
18 for the Hanford Reservation.

19 (c) CONTENTS OF PLAN.—The plan shall contain—

20 (1) the land use plan required by section 4;

21 (2) the risk assessment statement required by
22 section 5;

23 (3) the waste management plan required by sec-
24 tion 6; and

1 (4) the site restoration plan required by section
2 7.

3 (d) EFFECTIVE DATE.—This Act shall take effect
4 upon the date of enactment. The effectiveness of the Act
5 shall not be delayed pending preparation of the environ-
6 mental management plan.

7 (e) AMENDMENT OF PLAN.—The Secretary may re-
8 vise the plan from time to time consistent with this Act
9 and shall submit any amendments to Congress.

10 **SEC. 4. LAND USE.**

11 (a) POLICY.—Lands within the Hanford Reservation
12 shall be retained in Federal ownership unless, as a result
13 of the land use planning procedure provided in this sec-
14 tion, Congress determines that disposal of a particular
15 parcel will serve the national interest.

16 (b) LAND USE PLAN.—The Secretary shall include
17 in the environmental management plan a land use plan
18 designating—

19 (1) parcels within the Hanford Reservation that
20 need to be retained by the Department for its use
21 or for the maintenance of institutional controls need-
22 ed to protect the public or the environment from
23 hazardous substances or radioactive materials;

1 (2) parcels recommended for inclusion in the
2 National Park System, the National Refuge System,
3 or the National Wild and Scenic Rivers System; and

4 (3) parcels recommended for transfer to the
5 Secretary of the Interior to be managed as public
6 lands or to be sold or exchanged in accordance with
7 the Federal Land Policy and Management Act (43
8 U.S.C. 1701–1784).

9 (c) CRITERIA.—In designating parcels under sub-
10 section (b), the Secretary shall consider—

11 (1) the risk to human health, safety, or the en-
12 vironment presented by hazardous substances and
13 radioactive materials at the site;

14 (2) the risk to workers from exposure to haz-
15 ardous substances or radioactive materials in the
16 course of performing removal or remedial actions;

17 (3) the availability of effective technologies to
18 remedy or remove hazardous substances or radio-
19 active materials or to reduce the risk to human
20 health, safety, or the environment;

21 (4) the cost to the United States of releasing
22 the parcel from federal ownership and control, in-
23 cluding—

24 (A) the cost of remedying or removing the
25 hazardous substances or radioactive materials

1 or reducing the risk to human health, safety, or
2 the environment from such substances or mate-
3 rials at the parcel;

4 (B) the cost of remedying or removing the
5 hazardous substances or radioactive materials
6 or reducing the risk to the human health, safe-
7 ty, or the environment from such substances or
8 materials at parts of the Reservation that re-
9 main under federal ownership or control; and

10 (C) the cost of assessing the incremental
11 risk to the human health, safety, or the envi-
12 ronment that may result from releasing the
13 parcel;

14 (5) the importance of the area for scenic, his-
15 torical, recreational, ecological, cultural, or archeo-
16 logical values, water resources, community expan-
17 sion, or economic development;

18 (6) the views of the Secretary of the Interior,
19 the Governor of Washington, and affected commu-
20 nities and Indian tribes; and

21 (7) the availability of Federal funds to clean up
22 the parcel to the level needed for the recommended
23 use.

24 (d) FUTURE OWNERSHIP.—The Secretary shall not
25 sell, exchange, or convey any part of the Hanford Reserva-

1 tion except as authorized by legislation enacted after the
2 date of enactment of this Act.

3 **SEC. 5. RISK ASSESSMENT.**

4 (a) **POLICY.**—The Secretary shall conduct a com-
5 prehensive risk assessment of all major activities, sub-
6 stances, and conditions at the Hanford Reservation that
7 pose a risk to human health, safety, or the environment.
8 The risk assessment shall be based on the best available,
9 scientifically replicable data and realistic assumptions that
10 shall not exaggerate risk by inappropriately compounding
11 multiple, hypothetical, conservative policy judgments. The
12 Secretary shall recommend future use of the Hanford Res-
13 ervation under section 4, establish standards and select
14 environmental management activities under sections 6 and
15 7, and establish priorities and allocate Federal resources
16 among such activities based upon the risk assessment con-
17 ducted under this section.

18 (b) **RISK ASSESSMENT STATEMENT.**—(1) The Sec-
19 retary shall include in the environmental management
20 plan a clear and concise statement that—

21 (A) describes and, to the extent practicable,
22 quantifies the risks to human health, safety, and the
23 environment to be addressed by environmental man-
24 agement activities under this Act;

1 (B) compares the human health, safety or envi-
2 ronmental risks to be addressed by such environ-
3 mental management activities to other risks chosen
4 by the Secretary, including—

5 (i) at least 3 other risks regulated by a
6 Federal agency; and

7 (ii) at least 3 other risks that are familiar
8 to the general public;

9 (C) describes and, to the extent practicable,
10 quantifies any known, plausible substitution risks
11 when information on such risks is known to or has
12 been provided to the Secretary;

13 (D) estimates—

14 (i) the costs of carrying out the environ-
15 mental management activities under this Act;
16 and

17 (ii) the benefits of such activities, including
18 both quantifiable measures of costs and bene-
19 fits, to the fullest extent that they can be esti-
20 mated, and qualitative measures that are dif-
21 ficult to quantify; and

22 (E) contains a certification by the Secretary
23 that—

24 (i) the analyses performed under subpara-
25 graphs (A), (B), (C), and (D) are based on the

1 best reasonably obtainable scientific informa-
2 tion;

3 (ii) the planned environmental manage-
4 ment activities are likely to reduce significantly
5 the human health, safety, or environmental
6 risks to be addressed;

7 (iii) there is no alternative environmental
8 management activity that would achieve an
9 equivalent reduction in risk in a more cost-ef-
10 fective manner, along with a brief explanation
11 of why other alternatives considered by the Sec-
12 retary were found to be less cost-effective; and

13 (iv) the planned environmental manage-
14 ment activities are likely to produce benefits to
15 human health, safety, or the environment that
16 will justify the costs to the United States.

17 (2) If the Secretary cannot certify one or more of the
18 matters specified in paragraph (1)(D), the Secretary shall
19 identify those matters for which certification cannot be
20 made and shall include a statement of the reasons therefor
21 in the environmental management plan.

22 (c) RULE OF REASON.—In assessing the risk of indi-
23 vidual activities, substances, or conditions as part of the
24 comprehensive risk assessment required by this section,
25 the Secretary shall employ the level of detail and rigor ap-

1 appropriate and practicable for reasoned decision making on
2 the matter involved, taking into account the significance
3 and complexity of the environmental management plan
4 and the need for expedition.

5 **SEC. 6. MATERIALS AND WASTE MANAGEMENT.**

6 (a) POLICY.—The Secretary shall manage hazardous
7 substances and radioactive materials at the Hanford Res-
8 ervation in compliance with the standards established
9 under subsection (b) and in accordance with the waste
10 management plan prepared under subsection (c).

11 (b) STANDARDS.—(1) The Secretary shall, by rule,
12 establish such standards for the treatment, storage, and
13 disposal of hazardous waste and radioactive materials at
14 the Hanford Reservation as may be necessary to protect
15 human health, safety, and the environment.

16 (2) Such standards shall be in accord with the com-
17 mon defense and security and provide adequate protection
18 to the health and safety of the public.

19 (3) In establishing any standard under this sub-
20 section, the Secretary shall take into account—

21 (A) reasonably anticipated future land uses;

22 (B) the views of the affected communities and
23 Indian tribes;

24 (C) the availability of cost-effective treatment,
25 storage, and disposal technologies;

1 (D) the risk assessment required by section 5;

2 (E) other human health, safety, or environ-
3 mental protection standards established by the Nu-
4 clear Regulatory Commission, other Federal agen-
5 cies, or the State of Washington for comparable
6 risks; and

7 (F) the recommendations of the Defense Nu-
8 clear Facilities Safety Board.

9 (c) WASTE MANAGEMENT PLAN.—The Secretary
10 shall include in the environmental management plan a
11 waste management plan containing—

12 (1) the standards established under subsection
13 (b);

14 (2) an inventory of hazardous substances and
15 radioactive materials at the Hanford Reservation to
16 a level of detail determined reasonable by the Sec-
17 retary; and

18 (3) for each type of hazardous substance or ra-
19 dioactive material, the treatment, storage, disposal,
20 or other management method selected by the Sec-
21 retary to manage the substance or material in com-
22 pliance with the standards established under sub-
23 section (b).

1 (d) CRITERIA.—In selecting treatment, storage, or
2 disposal methods under subsection (c), the Secretary shall
3 consider—

4 (1) the risk to human health, safety, or the en-
5 vironment presented by the hazardous substance or
6 radioactive material;

7 (2) the risk to workers from exposure to the
8 substance or material in the course of treatment,
9 storage, or disposal of the substance or material;

10 (3) the cost of the treatment, storage, or dis-
11 posal method in relation to—

12 (A) the risk to the public, workers, or the
13 environment; and

14 (B) alternative treatment, storage, or dis-
15 posal options;

16 (4) the extent to which the risk to the public,
17 workers, or the environment may be reduced by in-
18 terim storage of the waste or material until—

19 (A) the hazard is reduced as a result of ra-
20 dioactive decay or chemical decomposition; or

21 (B) more cost-effective treatment or dis-
22 posal technologies are developed and are rea-
23 sonably available; and

1 (5) the views of Federal and State regulators of
2 the substance or material and the affected commu-
3 nities and Indian tribes.

4 **SEC. 7. SITE RESTORATION.**

5 (a) POLICY.—The Secretary shall take corrective and
6 remedial actions at the Hanford Reservation in compliance
7 with the standards established in subsection (b) and in
8 accordance with the site restoration plan prepared under
9 subsection (c).

10 (b) STANDARDS.—(1) The Secretary shall, by rule,
11 establish such standards for the performance of corrective,
12 remedial, and removal actions at the Hanford Reservation
13 as may be necessary to protect human health, safety, and
14 the environment.

15 (2) Such standards shall be in accord with the com-
16 mon defense and security and provide adequate protection
17 to the health and safety of the public.

18 (3) In establishing any standard under this sub-
19 section, the Secretary shall take into account—

20 (A) reasonably anticipated future land uses;

21 (B) the views of the affected communities and
22 Indian tribes;

23 (C) the availability of cost-effective technology
24 for performing corrective, removal, or remedial ac-
25 tions;

1 (D) the risk assessment required by section 5;

2 (E) other human health, safety, or environ-
3 mental protection standards established by the Nu-
4 clear Regulatory Commission other Federal agencies,
5 or the State of Washington for comparable risks;
6 and

7 (F) the recommendations of the Defense Nu-
8 clear Facilities Safety Board.

9 (c) REMEDY SELECTION.—(1) The Secretary shall
10 select remedial actions that achieve the level of cleanup
11 under subsection (b), taking into account the following
12 factors—

13 (A) the effectiveness of the remedy;

14 (B) the capability of the remedy to achieve
15 long-term protection of human health, safety, and
16 the environment;

17 (C) the risk posed by the remedy to the public,
18 to workers engaged in the remedial actions, and to
19 the environment;

20 (D) the acceptability of the remedy to the af-
21 fected communities and Indian tribes; and

22 (E) the reasonableness of the cost of the rem-
23 edy in relation to the preceding factors.

24 (2) The Secretary shall give due consideration to the
25 selection of interim containment as a remedy where—

1 (A) the risk to human health, safety, and the
2 environment diminishes over time as a result of ra-
3 dioactive decay or chemical decomposition; or

4 (B) alternative remedies are technically infeasible or unreasonably costly.

6 (3) The Secretary shall establish cost-effective generic remedies and expedited procedures for selecting generic remedies, as appropriate, at multiple sites within the
9 Reservation.

10 **SEC. 8. WORK FORCE RESTRUCTURING.**

11 Notwithstanding section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law
13 102-484) or any other provision of law, the Secretary
14 shall reduce the number of employees employed by the Department or its contractors at the Hanford Reservation
16 to the number needed to accomplish authorized activities.

17 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

18 There are authorized to be appropriated to the Secretary such sums as may be necessary for environmental
20 management activities at the Hanford Reservation.

